

Application No. 10/693,682
Response to Office Action dated January 30, 2006

Group Art Unit: 3739
Examiner: Roy D. Gibson
Atty. Docket No. 105090-140

REMARKS

Claims 1-44 are pending in this application. Claims 20, 24-27 and 30-43 have been cancelled. Claims 1-11, 15, 17-19, 21, 44 and 46-53 stand rejected and claims 12-14, 16, 22, 23, 28, 29, and 45 are objected to.

Applicants thank Examiner Gibson for the courtesy of a telephonic interview on April 5, 2006 during which the anticipatory and obviousness rejections were discussed. As discussed with the Examiner, claim 1 has been amended. No new matter has been added. Amendment and cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and was done solely to expedite the prosecution of the application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

In light of the claim amendments, Applicant respectfully request that the Examiner withdraw the rejections and pass this case to issuance.

Allowable Subject Matter

Applicants acknowledge with appreciation that claims 12-14, 16, 22-23, 28-29 and 45 have been deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 12 and 16 have been rewritten in independent form. Accordingly, claims 12-14, 16, 22-23, 28-29 and 45 are in condition for allowance.

In addition, since no rejection was raised to independent claim 44, Applicants believe that claim 44 is also in condition for allowance.

Rejections under 35 U.S.C. § 102 and 103

Claims 1, 7, 11, 15, 17, 18, 19, 21 and 46-53 are rejected under 35 USC § 102(b) as being anticipated by Sancoff et al. (U.S. Pat. No. 5,078,683). Claims 2-10 are rejected under 35 USC § 103(a) as being obvious over Sancoff et al. (U.S. Pat. No. 5,078,683).

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Based on the amendments and the following remarks, Applicants respectfully request reconsideration and withdrawal of the rejections.

As agreed during the telephonic interview with the Examiner on April 5, 2006, claim 1 has been amended to recite "a container connector for coupling the container to the phototreatment device." Support for this amendment can be found throughout the specification and figures as originally filed, and specifically, for example, on page 31, line 31 through page 32, line 2, and page 41, lines 7-8.

Sancoff et al. simply discloses a disposable IV tubing apparatus for conveying intravenous fluid from a source to a patient. The container is a "conventional bag 22 of intravenous fluid" as shown in Figure 1 (col. 4, lines 23-24) into which the patient simply inserts a spike. Sancoff et al. do not disclose or even contemplate the need for a container connector as required by amended claim 1, and claims dependent thereto.

Because Sancoff et al. do not disclose or teach the recited limitations of the claimed invention, Applicants believe that Sancoff et al. do not anticipate, or render obvious, the claimed invention. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-11, 15, 17, 18, 19, 21 and 46-53.

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CONCLUSION

In summary, the above-identified patent application has been amended and reconsideration is respectfully requested for all the reasons set forth above. In the event that the amendments and remarks are not deemed to overcome the grounds for rejection, the Examiner is kindly requested to telephone the undersigned representative to discuss any remaining issues.

Respectfully submitted,

NUTTER McLENNEN & FISH LLP

Date: May 4, 2006


Thomas J. Engel
Registration No.: 28,711
Attorney for Applicants
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604
Tel: (617) 439-2948
Fax: (617) 310-9948

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